

MINUTES
Marinas Text Amendment Citizens Committee
York Hall East Room
May 10, 2001
6:30 PM

CALL TO ORDER

Planning Commission Chair Spencer Semmes called the meeting to order at 6:30 p.m. All members were present except Mr. French, who was represented by Mr. Greg Brezinski, and Mrs. Sparrer and Mr. Truston, both of whom arrived shortly thereafter. Mr. Mark Carter also was present.

INTRODUCTION

Mr. Semmes said he would like for the members to reach a consensus, if they can, on a set of performance standards that would cover "eating facilities" (also referred to as restaurants) proposed in conjunction with marinas. He suggested that it might be possible to develop performance standards strong enough to protect surrounding areas, even without the use permit process being needed. He suggested that the committee try to avoid focusing on any specific WC/I area. He said he hoped the committee could reach a consensus, but he recognized there were very divergent views on the subject. He asked that the committee first focus its discussion on identifying the concerns (potential impacts) associated with restaurants at marinas.

Mr. Semmes indicated that the Committee would work from and discuss the PC Alternate Proposal dated 4/25/01 and amended to reflect the Planning Commission's May 2nd revisions.

During several hours of discussion, the Committee's observations, considerations and suggestions included the following:

- Basic issue from residents' point of view is how to keep WC/I areas and uses from imposing adverse impacts on the adjacent residential uses, some of which predate the commercial uses, and some of which do not.
- From the marina owners' point of view, it is important to recognize that restaurants are an important component of marinas in terms of current industry standards / characteristics. Restaurants make the marina a "first class" operation, which is essential to being competitive.
- Potential issues of concern to surrounding residential areas associated with a restaurant at a marina include: - noise, food preparation odors, additional traffic on adjacent roads, parking lot impacts, parking spillover onto adjacent streets or properties, lights, inadequate buffers, signage, disturbances from "rafting-up" parties, bad behavior associated with alcohol sales, etc. "Adjacent" needs to include areas across bodies of water since sound can travel so easily across the water.

- Hours of operation are a concern to adjacent residents because of the noise associated with patrons and employees leaving late at night. How will hours of operation be defined – when food may be served? When patrons may be in the restaurant? etc.?
- Since outdoor dining could create noise impacts on adjacent properties, should there be a setback requirement for outdoor dining? Is the impact confined to outdoor speaker/music systems, or does it also include noise from diners' conversations? Is it possible to have low volume dinner music without adverse impact to surrounding properties?
- Is the prohibition of live music necessary if off-site noise impacts can be addressed and controlled in some other way? Is it essential that no music or dancing be allowed? What about a wedding reception? piano bar? dinner music?
- Should the placement of outdoor furniture (where people might congregate) and building mechanical equipment be addressed, again to prevent noise impacts?
- Can the restaurant be adequately noise-insulated to allow music and dancing?
- Should the restaurant be required to be accessory to a marina and, if so, what is the exact definition of accessory use and how can it be enforced?
- Is there a difference between a private "yacht club" with a restaurant and a marina with a restaurant?
- Should the height of the restaurant building (and other marina components) be limited, perhaps to no taller than nearby or adjoining houses?
- Requirements for buffers (landscaping or fencing, or both) need to be clearly defined.
- What method will be used to determine the allowable size of the restaurant and will the restaurant be required to provide some additional parking area above and beyond that required for the marina itself?
- Will ABC licenses be allowed? What potential off-site impacts does that cause?
- Is it possible to adequately protect the surrounding area without the case-by-case, site-by-site review provided through the special use permit process?
- Traffic impacts should be considered. Vehicular and pedestrian safety is important.

Based on the Committee's discussion, Mark Carter will redraft Condition Nos. (3), (5), (6), (7), (10), (11) and (12) and will provide an alternate a proposal to the committee by Friday the 18th at latest.

- Next meeting(s) week of May 21-25. Mr. Barco will be out of town and would like to send a representative in his place.
- Adjournment at 10:10 p.m.

NOTES
Marinas Text Amendment Citizens Committee
York Hall East Room
May 21, 2001
7:00 PM

Planning Commission Chair Spencer Semmes called the meeting to order at 7:00 p.m. All members were present except Mr. French, who was represented by Mr. Greg Brezinski, and Mr. Barco, represented by Mr. Michael Hanna. Mr. Mark Carter also was present.

Mark Carter indicated that the Committee had received a "working draft" showing revisions to the several conditions it had discussed at the last meeting. He noted that the "working draft" did not contain all the conditions shown in the PC Alternate, previously distributed since the Committee had not discussed all of them.

Mr. Brezinski: Why linear feet vs. performance standards? Is there documentation to relate the feet to performance standards?

Mr. Semmes: The Zoning Ordinance contains numerous conditions that are based on some specified distance (whether a setback, a building spacing, a buffer width, etc.).

Mr. Brezinski: Are there performance standards that document noise levels relative to distances?

Mr. Semmes: Suggests stating that noise cannot go beyond the marina property line.

Several committee members expressed concern that the same standard will not be applied to all restaurants in the County. They indicated there needs to be "good, sound research" of regulations of various East Coast marina restaurants related to noise.

A question was posed as to whether the proposed standards for marina restaurants would apply to yacht clubs.

Mr. Semmes: Reiterated that Route 17 commercial areas are accessible, the lots are typically large enough to allow substantial parking area, and the rear of restaurants (not the fronts and sides) face adjacent residences. In contrast, WCI areas are not easily accessible, many of the sites offer limited parking, and, generally, three or four sides of the properties face residences.

The Committee discussed the currently required setbacks for marinas and residences in the WCI district.

There was extensive discussion about the proposed standard concerning the main entrance location. It was noted that side doors may contribute more noise than front, so it may not be advisable for side doors to face residences.

The Committee discussed the concept of a 200-foot line-of-sight requirement from front/main entrance to an adjacent residence and a provision that would allow less than 200 feet if a proper buffer interferes with the sight line.

Mr. Strong: Could marina owner build a 10-12 foot wall or buffer and eliminate requirement for 200 foot setback? Extensive discussion followed on the buffer plus-or-minus 200 feet, and transitional buffers. No consensus on allowing less than 200 feet with buffer.

Mr. Semmes: Suggested that landscaping, particularly evergreen trees, would be an appropriate buffer.

Mr. Brezinski: Do not eliminate rights already granted for eating facilities. Regulate performance, not design. Why should restaurant/marina be required to eliminate noise disturbances without regulating how to do it? Some of the proposed standards are arbitrary and not based on research.

Mr. Semmes: Everything is conjecture. We're trying to come up with a number that everybody can live with.

Mr. Carter: Noted that many of the distance standards in the Zoning Ordinance are more a product of community input and consensus than they are a product of research or scientific standards. Asked if the residents are receptive to a lesser distance if there were more buffering, such as doubling the ordinarily required buffer area or trading off landscaping for distance, down to a minimum.

Mr. Semmes: Suggested a minimum of 50' with a buffer from service entrance to adjacent structure.

Next meeting Wednesday, May 23 at 7 PM. Staff to bring research on what other similar waterfront jurisdictions are doing.

Adjourned 9:30 PM.

NOTES
Marinas Text Amendment Citizens Committee
York Hall East Room
May 23, 2001
7:00 PM

Planning Commission Chair Spencer Semmes called the meeting to order at 7:00 p.m. All members were present except Mr. French, Mr. Barbeau, and Mr. Barco, who was represented by Mr. Michael Hanna. Mr. Mark Carter was also present.

Mr. Carter displayed maps showing each marina area in the County. Handouts included a table comparing the permitting of marinas and restaurants among a selection of waterfront counties in Virginia and Maryland, and descriptions and examples of lighting standards.

Item (1)(b) Service entrance

Mrs. Sparrer voiced concern about the anticipated increase in the number of truck deliveries to a restaurant service entrance, so placement of the entrance is important to her.

Discussion: Truck deliveries would be made only during certain, limited hours. Ordinance could specify deliveries to some point away from the service door.

Mr. Hanna: No different than the marina activities that go on now.

Mr. Semmes: Suggested service entrance must be screened from view if less than 200 feet from any residence. Mr. Wildman said he was sensitive to taking developable property by having minimums that encroach on it and limit its use, but at the same time recognizes a need to protect adjacent residences.

Potential Consensus?: "Service entrances for employees and deliveries into the restaurant shall be oriented so that they face away from adjacent residentially zoned property, and shall be buffered if the entrance and an adjacent existing residence are on a line of sight and are less than 200 feet apart."

Could result in both the main and service entrances being on the same side of restaurant building.

Mrs. Sparrer said she would agree to item (1)(b) (service entrances) provided owners will agree to (1)(a) (main entrance) as written.

Item (1)(a) Main entrance

Suggestions:

"Entrance shall not be less than 100 feet from residential structure, and if less than 200 feet and on a line of sight, it must be buffered. If line of sight is obscured by building that is later removed, an appropriate buffer replacement must be installed."

Mr. Wildman: Suggests owners compensate by trading off increased buffering for every foot less than 200 feet, down to minimum of 150 feet.

Mr. Strong: Owners want nothing more restrictive than the present Ordinance. Could not agree to any of the alternatives proposed; they are not the same as what is permitted for restaurants in other districts. He suggested that all the performance standards should be worded to read like 1.c. to allow appropriate buffering as a substitute for the specified distances.

Mr. Semmes: No consensus on item (1)(a), thereby negating previous consensus on (1)(b).

Item (1)(c) Parking

Mr. Semmes: Zoning Ordinance intends that existing parking on the site is adequate for the marina and its accessory components (e.g., retail, eating facility, etc.).

Mr. Truston: No problem to post “No Loitering” signs and obtain agreement with the Sheriff's office to come to the property when called due to loitering in the parking lot.

Committee discussed the necessity to provide adequate parking to prevent on-street parking. Consensus on 1.c. to word as is but change “for preventing” to “....to the greatest extent practicable for minimizing and/or eliminating...” loitering.

Mr. Semmes said he was very pleased with the comments received. He scheduled the final meeting of the committee for Tuesday, May 29, 2001 at 7:00 PM.

Adjourned at 10:00 PM.

Minutes
Marinas Text Amendment Citizens Committee
York Hall East Room
May 29, 2001
7:00 PM

Planning Commission Chair Spencer Semmes called the meeting to order at 7:00 p.m. All members were present, as was Mr. Mark Carter.

Mr. Semmes indicated that should a consensus not be reached among the committee members at the meeting, he and staff, taking into consideration the comments and stated desires of the members, will prepare a proposal for the Planning Commission for its consideration to recommend to the Board following the public hearing on June 6, 2001.

Discussion continued on the "Working Draft, May 21, 2001 Meeting," beginning with Item (1)(d) and including all of the subsequent items.

The following issues were discussed.

- Noise and odor boundaries, how to measure them, and how to protect nearby residents. Measurements by distance and by decibel levels were discussed at length.
- Placement of HVAC and other equipment or vents to protect against noise, odor, and visual disturbances. Consensus that such equipment should be screened and shielded.
- How the existing roadways leading to marinas can contain additional, restaurant-related traffic. Pedestrian safety should be considered (e.g., kids walking to and from school bus stops).
- Some marinas pre-date some of the residences, but any additions to the marinas must take into account the residences that have been built since the marinas were built.
- Outdoor dining areas – if to be allowed; their size, screening to deflect noise, and operating hours. Noise limits need to take into account normal conversation and also the normal background sound levels.
- Dancing – if allowed, should not be on a dedicated, specially-designed dance floor since that suggests a nightclub operation.
- RPA buffer area – its meaning, what is permitted and what is prohibited; a restaurant is not a “water-dependent” use, nor is parking. However, redevelopment of existing impervious areas is permissible.
- Parking – no restrictions against parking garages; marina operator would be able to add parking to accommodate restaurant and marina demands, within normal zoning limitations.

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- In addition, on many of the issues there was consensus on the need to address the potential impact, but not on the use of a horizontal distance as a performance standard. Instead, various members thought that “no adverse or objectionable impact” should be the controlling standard.

Adjournment was called at 9:40 PM.

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